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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,592	09/15/2003	Jeffery J. Carter JR.	03-208	1288
719	7590	12/13/2004	EXAMINER	
CATERPILLAR INC. 100 N.E. ADAMS STREET PATENT DEPT. PEORIA, IL 616296490			WALLING, MEAGAN S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,592

Applicant(s)

CARTER ET AL.

Examiner

Meagan S Walling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 13-15, 17-19, 21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 3-12, 16, 20, 22 and 25-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/15/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09152003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 13-15, 17-19, 21, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Colens (US 6,532,404).

Regarding claim 1, Colens teaches providing a mobile dust control machine configured to treat a dust condition within a work location, the dust control machine being disposed distant from the work location (column 3, lines 44-46); monitoring a dust condition of the work location (column 4, lines 1-4); generating a dust control signal in response to monitoring the dust condition (column 4, lines 5-6); dispatching the mobile dust control machine to the work location in response to the dust control signal (column 4, lines 6-7); and operating the mobile dust control machine at the work location (column 9, line 29).

Regarding claim 2, Colens teaches providing a mobile dust condition monitor, the mobile dust condition monitor being disposed distant from the work location (column 3, line 66 – column 4, line 4); moving the mobile dust condition monitor into a position suitable for monitoring the dust condition of the work location (column 4, lines 5-7); and using the mobile dust condition monitor to monitor the dust condition of the work location (column 9, lines 7-16).

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Regarding claim 13, Colens teaches analyzing one or more dust control signals over a period of time (column 4, lines 1-4); and dispatching the mobile dust control machine to the first work location in response to the analysis (column 4, lines 6-7).

Regarding claim 14, Colens teaches monitoring the location of the mobile dust control machine (column 2, lines 63-65); and dispatching the mobile dust control machine to the work location in response to monitoring the location of the mobile dust control machine (column 4, lines 6-7).

Regarding claim 15, Colens teaches terminating the operation of the mobile dust control machine at the work location in response to a determination that the work location has been sufficiently treated (column 9, lines 62-63).

Regarding claim 17, Colens teaches monitoring the status of a resource onboard the dust control machine (column 2, lines 4-5); and dispatching the mobile dust control machine to a location in response to monitoring the status of the resource (column 2, lines 5-7).

Regarding claim 18, Colens teaches dispatching the mobile dust control machine to a refill or maintenance location (column 2, line 6).

Regarding claim 19, Colens teaches dispatching the mobile dust control machine to the work location (column 2, line 8).

Regarding claim 21, Colens teaches a dust monitor disposed and arranged to monitor a dust condition of a work location and being operable to produce a dust control signal (column 4, lines 1-7); and a mobile dust control machine configured to treat a dust condition within the work location, the dust control machine being movable to the work location from a position distant from the work location in response to the dust control signal (column 4, lines 1-7).

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Regarding claim 23, Colens teaches a mobile work machine disposed within the work location (column 3, lines 66-67); wherein the dust monitor is attached to the mobile work machine (column 4, lines 1-5).

Regarding claim 24, Colens teaches a controller operable to receive a dust control signal from the dust monitor and being operable to produce a dispatch signal for dispatching the mobile dust control machine to the work location in response to the dust control signal (column 4, lines 1-4).

Allowable Subject Matter

2. Claims 3-12, 16, 20, 22, and 25-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of allowance of claim 3 is the inclusion of the limitation that the work location is a first one of a plurality of work locations; the dust control signal is a first dust control signal; and the method further comprises: monitoring the dust condition of a second work location; and generating a second dust control signal in response to monitoring the dust condition of the second work location. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowance of claim 12 is the inclusion of the limitation that the mobile dust control machine is the first of a plurality of mobile dust control

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machines; and the method further comprises: providing a second mobile dust control machine configured to treat a dust condition within the work location, the second mobile dust control machine being disposed distant from the work location; monitoring the locations of the first and second mobile dust control machines; comparing the locations of the first and second mobile dust control machines; and using the comparison to dispatch the first mobile dust control machine to the first work location. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowance of claim 16 is the inclusion of the limitation that the work location is a first location; and the method further comprises: monitoring a dust condition of a second work location; generating a second dust control signal in response to monitoring the dust condition of the second work location; dispatching the mobile dust control machine to the second work location in response to the second dust control signal; and operating the mobile dust control machine at the second work location. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowance of claim 20 is the inclusion of the limitation that the mobile dust control machine is a first mobile dust control machine; and the method further comprises: monitoring the status of a resource onboard the first mobile dust control machine; and dispatching a second mobile dust control machine to the work location in response to monitoring the status of a resource onboard the first dust control machine. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowance of claim 22 is the inclusion of the limitation that the mobile dust control machine is a first mobile dust control machine; and the system further comprises a second mobile dust control machine configured to treat a dust condition within the work location, the second mobile dust control machine being movable to the work location from a position distant from the work location in response to a dust control signal generated by the dust monitor. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowance of claim 25 is the inclusion of the limitation that the mobile dust control machine is a first mobile dust control machine; and the system further comprises a second mobile dust control machine configured to treat a dust condition within the work location, the second mobile dust control machine being movable to the work location from a position distant from the work location in response to a dust control signal generated by the dust monitor; the first and second dust control machines include location monitoring equipment operable to determine locations of the first and second dust control machines; the location monitoring equipment being in communication with the controller; and the controller is operable to receive location information from the location monitoring equipment and to produce the dispatch signal in response to the location information. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

The primary reason for the indication of allowance of claim 26 is the inclusion of the limitation that the work location is a first work location; the system comprises a dust monitor disposed and arranged to monitor a dust condition of a second work location and being operable

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to produce a second dust control signal indicative of a dust condition within the second work location; and the mobile dust control machine is movable to the second work location from a position distant from the second work location in response to the second dust control signal. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable.

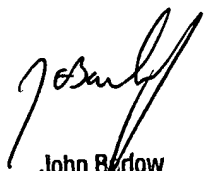
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw


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